NORTH Dakota | Environmental Quality

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August 4, 2021

Ms. Amanda Zimmerman
Associate Environmental Coordinator
NuStar Energy, L.P.
7340 W 21st Street N, Ste 200
Wichita, KS 67205

Re: Air Pollution Control
Permit to Construct

Dear Ms. Zimmerman:

Pursuant to the Air Pollution Control Rules of the State of North Dakota, the Department of Environmental Quality (Department) has reviewed the application dated April 9, 2021, to obtain a Permit to Construct for the NuStar Pipeline Operating Partnership L.P. Jamestown North Terminal located in Stutsman County, ND.

Enclosed is a copy of the Department's proposed Permit to Construct No. ACP-018125 v1.0 for the facility. Before making final determinations on the permit application, the Department must solicit comments over a 30-day public comment period by means of the enclosed public notice. As indicated in the notice, the 30-day public comment period will begin August 6, 2021, and end on September 4, 2021. Public comment documents will be made available at: https://deq.nd.gov/AQ/PublicCom.aspx.

All comments received will be considered in the final determination concerning the issuance of the permit. The Department will take final action on the permit application following the public comment period and the EPA review period. You will be notified in writing of our final determination.

Please contact me at (701)328-5283 or at cristy.jones@nd.gov with any questions.

Sincerely,

Cristy Jones
Environmental Scientist
Division of Air Quality

CMJ:saj
Enc:
xc: Daniel Fagnant EPA/R8

NOTICE OF INTENT TO ISSUE AN
AIR POLLUTION CONTROL
PERMIT TO CONSTRUCT

Take notice that the North Dakota Department of Environmental Quality (NDDEQ) proposes to issue an Air Pollution Control Permit to Construct for the NuStar Pipeline Operating Partnership L.P. Jamestown North Terminal in accordance with the North Dakota Air Pollution Control Rules The facility receives, stores, and transports gasoline, diesel, and denatured ethanol. Hydrocarbon transport is conducted by truck and pipeline. The project involves a proposal to decrease the facility's maximum gasoline loading operations from 49,000,000 gallons per year to 45,000,000 gallons per year. The facility currently operates under a synthetic minor source permit to operate (AOP-28192 v3.0). The facility is located at 3598 - 74th Avenue SE, Jamestown, ND 58401 in Stutsman County, ND.

Preliminary evaluations made by Department staff indicate that the project will comply with all applicable Air Pollution Control Rules and there will be no significant detrimental effects to air quality.

A thirty-day public comment period for the draft permit will begin August 6, 2021, and end on September 4, 2021. Direct comments in writing to the NDDEQ, Division of Air Quality, 918 E Divide Avenue, Bismarck, ND 58501-1947 or email AirQuality@nd.gov, Re: Public Comment Permit Number ACP-018125 v1.0. Please note that, to be considered, comments submitted by email must be sent to the email address listed; comments sent to any other email address **will not** be considered. Comments must be received by 11:59 p.m. central time on the last day of the public comment period to be considered in the final permit determination. A public hearing regarding issuance of the permit will be held if a significant degree of public interest exists as determined by the NDDEQ. Requests for a public hearing must be received in writing by the NDDEQ before the end of the public comment period.

The application, Department analysis and draft permit are available for review at the above address and on the Department website at https://deq.nd.gov/AQ/PublicCom.aspx#. A copy of these documents may be obtained by writing to the Division of Air Quality or contacting Cristy Jones at (701)328-5283 or by email at cristy.jones@nd.gov.

Dated this 4th day of August 2021

James L. Semerad
Director
Division of Air Quality

AIR POLLUTION CONTROL PERMIT TO CONSTRUCT

Pursuant to Chapter 23.1-06 of the North Dakota Century Code, and the Air Pollution Control Rules of the State of North Dakota (Article 33.1-15 of the North Dakota Administrative Code), and in reliance on statements and representations heretofore made by the owner designated below, a Permit to Construct is hereby issued authorizing such owner to construct and initially operate the source unit(s) at the location designated below. This Permit to Construct is subject to all applicable rules and orders now or hereafter in effect of the North Dakota Department of Environmental Quality (Department) and to any conditions specified below:

I. **General Information**:

A. **Permit to Construct Number**: ACP-018125 v1.0

B. **Source**:

1. Name: NuStar Pipeline Operating Partnership L.P.
2. Location: Jamestown North Terminal
   3598 - 74th Avenue SE
   SW ¼ Sec. 33, T140N, R65W
   Jamestown, North Dakota 58401
   Stutsman County
3. Source Type: Fuel Terminal
4. Existing equipment at the Facility:

Emission Unit Description	Emission Unit (EU)	Emission Point (EP)	Air Pollution Control Equipment
Petroleum product loading rack (constructed before 1980)	1 [A]	1	None
36,500-barrel (1,533,000 gallon) gasoline or fuel storage tank (1954)	Tank #37-8 [B]	Tank #37-8	Submerged Fill Pipe (SFP) & Internal Floating Roof (IFR)
8,550-barrel (359,100 gallon) gasoline or fuel storage tank (1954)	Tank #10-59 [B]	Tank #10-59	SFP & IFR
15,000-barrel (630,000 gallon) gasoline or fuel storage tank (1954)	Tank #15-26 [B]	Tank #15-26	SFP & IFR
15,950-barrel (669,900 gallon) diesel fuel vertical fixed roof (VFR) storage tank (1954)	Tank #17-11	Tank #17-11	SFP
19,350-barrel (812,700 gallon) diesel fuel VFR storage tank (1960)	Tank #20-30	Tank #20-30	SFP

Emission Unit Description	Emission Unit (EU)	Emission Point (EP)	Air Pollution Control Equipment
31,273-barrel (1,313,500 gallon) diesel fuel VFR storage tank (1970)	Tank #33-10	Tank #33-10	SFP
Relief horizontal fixed roof (HFR) storage tank (11,011 gal.)	Tank-7 [C]	Tank-7	SFP
Additive HFR storage tank (17,000 gal.)	Tank-8 [C]	Tank-8	SFP
Oil/water run-off HFR storage tank (17,000 gal.)	Tank-9 [C]	Tank-9	SFP
Oil/water run-off HFR storage tank (10,000 gal.)	Tank-10 [C]	Tank-10	SFP
Additive HFR storage tank (3,000 gal.)	Tank-11 [C]	Tank-11	SFP
Additive HFR storage tank (300 gal.)	Tank-12 [C]	Tank-12	SFP
Additive HFR storage tank (1,000 gal.)	Tank-13 [C]	Tank-13	SFP
Additive HFR storage tank (1,000 gal.)	Tank-14 [C]	Tank-14	SFP
Additive HFR storage tank (2,000 gal.)	Tank-15 [C]	Tank-15	SFP
Gas/oil mix HFR storage tank (550 gal.)	Tank-16 [C]	Tank-16	SFP
Additive HFR storage tank (1,000 gal.)	Tank-17 [C]	Tank-17	SFP
Additive HFR storage tank (1,000 gal.)	Tank-18 [C]	Tank-18	SFP
Oil/water run-off separator HFR storage tank (9,240 gal.)	Tank-SEP [C]	Tank-SEP	SFP
Facility-wide fugitives	FUG-1 [C]	FUG-1	None

[A] VOC emissions updated per AP-42 Chapter 5.2 to reflect a throughput limit of 45,000,000 gallons per year.

[B] Updated VOC emissions per AP-42 Chapter 7.1 (2020).

[C] Insignificant or fugitive emission sources (no specific emission limit).

C. **Owner/Operator (Permit Applicant)**:

1. Name: NuStar Pipeline Operating Partnership L.P.
2. Address: 7340 W 21st Street N, Suite 200
   Wichita, KS 67205
3. Application Date: April 9, 2021

II. **Conditions**: This Permit to Construct allows the operation of the modified equipment at the source. The source may be operated under this Permit to Construct until a Permit to Operate is issued unless this permit is suspended or revoked. The source is subject to all applicable rules, regulations, and orders now or hereafter in effect of the North Dakota Department of Environmental Quality and to the conditions specified below.

A. **Product Throughput Limits**: The amount of total petroleum loaded shall not exceed the following throughput totals per any 12-month rolling period.

Emission Unit Description	EU	Operational Limit
Petroleum product loading rack	1	45,000,000 gallons per year of gasoline

B. **Monitoring, Recordkeeping and Reporting Requirements**: By the 15th day of each month, the permittee must record the gasoline gallons of throughput for the previous month and for the previous 12-month period (12-month rolling total) for the emission unit listed in Condition II.A. The Department shall be notified within 10 working days in which the calculation was made anytime a throughput exceeds a limit in any rolling 12-month period. These records will be kept for a period of at least five years.

C. **Maximum Achievable Control Technology Standards (MACT)**: The permittee shall comply with all applicable requirements of the following MACT subparts, in addition to Subpart A, as referenced in Chapter 33.1-15-22 of the North Dakota Air Pollution Control Rules and 40 CFR 63.

1) 40 CFR 63, Subpart BBBBBB (6B) - National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities. The North Dakota Department of Environmental Quality has not adopted the provisions of this subpart. Please send all documentation to EPA at the following address:

U.S. EPA Region 8
1595 Wynkoop Street
Mail Code 8ENF – AT
Denver, CO 80202-1129

D. **Storage Tanks**: All stationary volatile organic compounds storage tanks shall be equipped with a submerged fill pipe in accordance with NDAC 33.1-15-07-01.3.

E. **Organic Compounds Emissions**: The permittee shall comply with all applicable requirements of NDAC 33.1-15-07 – Control of Organic Compounds Emissions.

F. **Permit Invalidation**: This permit shall become invalid if construction is not commenced within eighteen months after issuance of such permit, if construction is discontinued for a period of eighteen months or more; or if construction is not completed within a reasonable time.

G. **Fugitive Emissions**: The release of fugitive emissions shall comply with the applicable requirements in NDAC 33.1-15-17.

H. **Annual Emission Inventory/Annual Production Reports**: The owner/operator shall submit an annual emission inventory report and/or an annual production report upon Department request, on forms supplied or approved by the Department.

I. **Source Operations**: Operations at the installation shall be in accordance with statements, representations, procedures and supporting data contained in the initial application, and any supplemental information or application(s) submitted thereafter. Any operations not listed in this permit are subject to all applicable North Dakota Air Pollution Control Rules.

J. **Alterations, Modifications or Changes**: Any alteration, repairing, expansion, or change in the method of operation of the source which results in the emission of an additional type or greater amount of air contaminants or which results in an increase in the ambient concentration of any air contaminant, must be reviewed and approved by the Department prior to the start of such alteration, repairing, expansion or change in the method of operation.

K. **Air Pollution from Internal Combustion Engines**: The permittee shall comply with all applicable requirements of NDAC 33.1-15-08-01 – Internal Combustion Engine Emissions Restricted.

L. **Recordkeeping**: The owner/operator shall maintain any compliance monitoring records required by this permit or applicable requirements. The owner/operator shall retain records of all required monitoring data and support information for a period of at least five years from the date of the monitoring sample, measurement, report or application. Support information may include all calibration and maintenance records and all original strip-chart recordings/computer printouts for continuous monitoring instrumentation, and copies of all reports required by the permit.

M. **Nuisance or Danger**: This permit shall in no way authorize the maintenance of a nuisance or a danger to public health or safety.

N. **Malfunction Notification**: The owner/operator shall notify the Department of any malfunction which can be expected to last longer than twenty-four hours and can cause the emission of air contaminants in violation of applicable rules and regulations.

O. **Operation of Air Pollution Control Equipment**: The owner/operator shall maintain and operate all air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions.

P. **Transfer of Permit to Construct**: The holder of a permit to construct may not transfer such permit without prior approval from the Department.

Q. **Right of Entry**: Any duly authorized officer, employee or agent of the North Dakota Department of Environmental Quality may enter and inspect any property, premise or place at which the source listed in Item I.B of this permit is located at

any time for the purpose of ascertaining the state of compliance with the North Dakota Air Pollution Control Rules. The Department may conduct tests and take samples of air contaminants, fuel, processing material, and other materials which affect or may affect emissions of air contaminants from any source. The Department shall have the right to access and copy any records required by the Department's rules and to inspect monitoring equipment located on the premises.

R. **Other Regulations**: The owner/operator of the source unit(s) described in Item I.B of this permit shall comply with all State and Federal environmental laws and rules. In addition, the owner/operator shall comply with all local burning, fire, zoning, and other applicable ordinances, codes, rules and regulations.

S. **Permit Issuance**: This permit is issued in reliance upon the accuracy and completeness of the information set forth in the application. Notwithstanding the tentative nature of this information, the conditions of this permit herein become, upon the effective date of this permit, enforceable by the Department pursuant to any remedies it now has, or may in the future have, under the North Dakota Air Pollution Control Law, NDCC Chapter 23.1-06.

T. **Odor Restrictions**: The owner/operator shall not discharge into the ambient air any objectionable odorous air contaminant which is in excess of the limits established in NDAC 33.1-15-16.

U. **Sampling and Testing**: The Department may require the owner/operator to conduct tests to determine the emission rate of air contaminants from the source. The Department may observe the testing and may specify testing methods to be used. A signed copy of the test results shall be furnished to the Department within 60 days of the test date. The basis for this condition is NDAC 33.1-15-01-12 which is hereby incorporated into this permit by reference. To facilitate preparing for and conducting such tests, and to facilitate reporting the test results to the Department, the owner/operator shall follow the procedures and formats in the Department's Emission Testing Guideline.

FOR THE NORTH DAKOTA DEPARTMENT
OF ENVIRONMENTAL QUALITY

Date_____

By_____
James L. Semerad
Director
Division of Air Quality

AIR QUALITY EFFECTS ANALYSIS
FOR
PERMIT TO CONSTRUCT
ACP-018125 v1.0

I. **Date of Review**:
August 3, 2021 (DRAFT)

II. **Applicant**:
NuStar Pipeline Operating Partnership L.P.
7340 W 21st Street N, Suite 200
Wichita, KS 67205

III. **Source Location**:
Jamestown North Terminal
3598 - 74th Avenue SE
SW ¼ Sec. 33, T140N, R65W
Jamestown, North Dakota 58401
Stutsman County

IV. **Introduction and Background**:

On April 9, 2021, the Department received a permit to construct application from NuStar Pipeline Operating Partnership L.P. to reduce the maximum gasoline throughput limit for the Jamestown North Terminal located in Stutsman County, North Dakota from 49,000,000 gallons per year to 45,000,000 gallons per year. The reduction in gasoline throughput coincides with a reduction of the facility's volatile organic compound (VOC) potential to emit.

The Jamestown North Terminal was established in 1954, and currently operates under Permit to Operate No. AOP-28192 v3.0 (formerly, PTO O96002) which was originally issued in 1996. No permit to construct was issued for the facility at that time. The facility receives, stores, and transports gasoline, diesel, and denatured ethanol. Hydrocarbon transport is conducted by truck and pipeline.

Table 1 - Existing Equipment List

Emission Unit Description	Emission Unit (EU)	Emission Point (EP)	Air Pollution Control Equipment
Petroleum product loading rack (constructed before 1980)	1 [A]	1	None

Emission Unit Description	Emission Unit (EU)	Emission Point (EP)	Air Pollution Control Equipment
36,500-barrel (1,533,000 gallon) gasoline or fuel storage tank (1954)	Tank #37-8 [B]	Tank #37-8	Submerged Fill Pipe (SFP) & Internal Floating Roof (IFR)
8,550-barrel (359,100 gallon) gasoline or fuel storage tank (1954)	Tank #10-59 [B]	Tank #10-59	SFP & IFR
15,000-barrel (630,000 gallon) gasoline or fuel storage tank (1954)	Tank #15-26 [B]	Tank #15-26	SFP & IFR
15,950-barrel (669,900 gallon) diesel fuel vertical fixed roof (VFR) storage tank (1954)	Tank #17-11	Tank #17-11	SFP
19,350-barrel (812,700 gallon) diesel fuel VFR storage tank (1960)	Tank #20-30	Tank #20-30	SFP
31,273-barrel (1,313,500 gallon) diesel fuel VFR storage tank (1970)	Tank #33-10	Tank #33-10	SFP
Relief horizontal fixed roof (HFR) storage tank (11,011 gal.)	Tank-7 [C]	Tank-7	SFP
Additive HFR storage tank (17,000 gal.)	Tank-8 [C]	Tank-8	SFP
Oil/water run-off HFR storage tank (17,000 gal.)	Tank-9 [C]	Tank-9	SFP
Oil/water run-off HFR storage tank (10,000 gal.)	Tank-10 [C]	Tank-10	SFP
Additive HFR storage tank (3,000 gal.)	Tank-11 [C]	Tank-11	SFP
Additive HFR storage tank (300 gal.)	Tank-12 [C]	Tank-12	SFP
Additive HFR storage tank (1,000 gal.)	Tank-13 [C]	Tank-13	SFP
Additive HFR storage tank (1,000 gal.)	Tank-14 [C]	Tank-14	SFP
Additive HFR storage tank (2,000 gal.)	Tank-15 [C]	Tank-15	SFP
Gas/oil mix HFR storage tank (550 gal.)	Tank-16 [C]	Tank-16	SFP
Additive HFR storage tank (1,000 gal.)	Tank-17 [C]	Tank-17	SFP
Additive HFR storage tank (1,000 gal.)	Tank-18 [C]	Tank-18	SFP
Oil/water run-off separator HFR storage tank (9,240 gal.)	Tank-SEP [C]	Tank-SEP	SFP
Facility-wide fugitives	FUG-1 [C]	FUG-1	None

A VOC emissions updated per AP-42 Chapter 5.2 to reflect a throughput limit of 45,000,000 gallons per year.

B Updated VOC emissions per AP-42 Chapter 7.1 (2020).

C Insignificant or fugitive emission sources (no specific emission limit).

V. Potential to Emit (PTE) Emissions:

Emissions from the facility are as follows:

Table 2 - PTE Calculations (in tons per year) [A]

Emission Unit Description	EU	PM/PM_{10}/$PM_{2.5}$ (tpy)	SO_2 (tpy)	NOx (tpy)	CO (tpy)	VOC (tpy)	HAPs [B] (tpy)
Petroleum product loading rack	1	--	--	--	--	84.94 [C]	4.70
36,500-barrel (1,533,000 gallon) storage tank	Tank #37-8	--	--	--	--	0.78	0.01
8,550-barrel (359,100 gallon) storage tank	Tank #10-59	--	--	--	--	0.43	0.02
15,000-barrel (630,000 gallon) storage tank	Tank #15-26	--	--	--	--	1.28	0.07
15,950-barrel (669,900 gallon) storage tank	Tank #17-11	--	--	--	--	0.18	--
19,350-barrel (812,700 gallon) storage tank	Tank #20-30	--	--	--	--	0.22	--
31,273-barrel (1,313,500 gallon) storage tank	Tank #33-10	--	--	--	--	0.36	--
Additive storage tanks and oil/water run-off tanks	Tank-7 through Tank-18 and Tank-SEP	--	--	--	--	2.00	--
Facility-wide fugitives	FUG-1	--	--	--	--	1.012	--
Total without Fugitive Emissions		--	--	--	--	**90.19**	**4.80**

Emission Unit Description	EU	PM/PM_{10}/$PM_{2.5}$ (tpy)	SO_2 (tpy)	NOx (tpy)	CO (tpy)	VOC (tpy)	HAPs [B] (tpy)
Total with Fugitive Emissions		--	--	--	--	**91.20**	**4.80**

A Pollutants are abbreviated as follows:
PM: particulate matter
PM_{10}: particulate matter under 10 microns (<10 μg), includes $PM_{2.5}$.
$PM_{2.5}$: particulate matter under 2.5 microns (<2.5 μg)
SO_2: sulfur dioxide
NO_x: nitrogen oxides
VOC: volatile organic compounds
CO: carbon monoxide
HAPs: hazardous air pollutants as defined in Section 112(b) of the Clean Air Act Amendments of 1990

B Since all combined HAPs are less than 10 tpy, individual HAPs are not listed.

C Loading rack emissions include 84.046 tpy gasoline loading and 0.894 tpy diesel loading

See application for more detailed emission calculations.

Table 3 – Gasoline Loading Rack Potential to Emit Change (based on throughput) [A]

	Throughput (gallons per year)	VOC Potential to Emit (tpy)
Pre ACP-018125	49,000,000	91.55
Post ACP-018125	45,000,000	84.08
Total Change	**-4,000,000**	**7.47**

A VOC potential to emit is based on AP-42 Chapter 5.2 Equation 1.

VI. Applicable Standards

Table 4 - Applicable Standards

Emission Unit Description	Emission Unit (EU)	Applicable Standards
Petroleum product loading rack	1	NDAC 33.1-15-02 NDAC 33.1-15-07
36,500-barrel (1,533,000 gallon) storage tank	Tank #37-8	NDAC 33.1-15-02 NDAC 33.1-15-07
8,550-barrel (359,100 gallon) storage tank	Tank #10-59	NDAC 33.1-15-02 NDAC 33.1-15-07
15,000-barrel (630,000 gallon) storage tank	Tank #15-26	NDAC 33.1-15-02 NDAC 33.1-15-07
15,950-barrel (669,900 gallon) diesel fuel storage tank	Tank #17-11	NDAC 33.1-15-02 NDAC 33.1-15-07

Emission Unit Description	Emission Unit (EU)	Applicable Standards
19,350-barrel (812,700 gallon) diesel fuel storage tank	Tank #20-30	NDAC 33.1-15-02 NDAC 33.1-15-07
31,273-barrel (1,313,500 gallon) diesel fuel storage tank	Tank #33-10	NDAC 33.1-15-02 NDAC 33.1-15-07
Additive storage tanks and oil/water run-off tanks	Tank-7 through Tank-18 and Tank-SEP	NDAC 33.1-15-07
Facility-wide fugitives	FUG-1	NDAC 33.1-15-17
Facility-Wide (Gasoline Distribution Bulk Terminal)	NA	40 CFR 63, Subpart BBBBBB [A]

[A] The Department has not adopted this subpart; all required documentation should be sent to EPA Region 8.

A. **NDAC 33.1-15-02 - Ambient Air Quality Standards**

The facility must comply with the Ambient Air Quality Standards (AAQS). Other requirements of this chapter include general prohibitions against harming health, causing damage to plants, animals, other property and visible degradation. In addition to these standards, compliance with the Department's Air Toxics Policy is required.

Expected Compliance

The total HAP potential to emit of 4.80 tpy is less than the major source threshold of 10 tpy for a single HAP, and less than 25 tpy for total combined HAPs. Based on the level of air toxics emissions, compliance with the Air Toxics Policy is expected.

B. **NDAC 33.1-15-07- Control of Organic Compounds Emissions**

This facility has several requirements under this chapter. This chapter requires volatile organic storage tanks to be equipped with a submerged fill pipe if the tank is greater than 1,000 gallons (31.75 barrels). Organic compounds are expected to be controlled by a flare, floating roof, or an equally effective control device.

Expected Compliance

All storage tanks presently onsite have capacities greater than 1,000 gallons (31.75bbl) and are therefore equipped with submerged fill pipes per 33.1-15-07-01.3. Gasoline/fuel storage tanks are equipped with internal floating roofs.

The gasoline loading rack VOC potential to emit is determined based on AP-42 Chapter 5.2 and site-specific data as depicted below:

$$L_L = 12.46 \frac{SPM}{T}$$

Where:

L_L = loading loss, pounds per 1000 gallons (lb/103 gal) of liquid loaded

S = a saturation factor

P = true vapor pressure of liquid loaded, pounds per square inch absolute (psia)

M = molecular weight of vapors, pounds per pound-mole (lb/lb-mole)

T = temperature of bulk liquid loaded, °R (°F + 460)

Table 5- Site-Specific Loading VOC PTE

S factor	0.6
True Vapor Pressure (P)	3.82
Molecular weight of Vapors (M)	66
Temp (T), R (F+460)	504
Annual Throughput (gallons)	45,000,000
Loading Loss per 1000 gallons (lb/10^3 gal)	3.74
Total Loading Loss (lbs/yr)	168,155
VOC Tons per Year	**84.08**

Per Permit to Construct No. ACP-018125 Condition II.

A. ***Product Throughput Limits***: *The amount of total petroleum loaded shall not exceed the following throughput totals per any 12-month rolling period.*

Emission Unit Description	***EU***	***Operational Limit***
Petroleum product loading rack	*1*	*45,000,000 gallons per year of gasoline*

B. ***Monitoring, Recordkeeping and Reporting Requirements***: *By the 15th day of each month, the permittee must record the gasoline gallons of throughput for the*

previous month and for the previous 12-month period (12-month rolling total) for the emission unit listed in Condition II.A. The Department shall be notified within 10 working days in which the calculation was made anytime a throughput exceeds a limit in any rolling 12-month period. These records will be kept for a period of at least five years.

Table 6 - NDAC 33.1-15-07 Requirements

Emission Unit Description	EU	Requirements
Petroleum product loading rack	1	Annual Throughput Limit
36,500-barrel (1,533,000 gallon) storage tank	Tank #37-8	Submerged Fill Pipe (SFP) & Internal Floating Roof (IFR)
8,550-barrel (359,100 gallon) storage tank	Tank #10-59	SFP and IFR
15,000-barrel (630,000 gallon) storage tank	Tank #15-26	SFP and IFR
15,950-barrel (669,900 gallon) storage tank	Tank #17-11	SFP
19,350-barrel (812,700 gallon) storage tank	Tank #20-30	SFP
31,273-barrel (1,313,500 gallon) storage tank	Tank #33-10	SFP
Additive storage tanks and oil/water run-off tanks	Tank-7 through Tank-18 and Tank-SEP	SFP

Based on the control strategy for the storage and transfer of fuels and additives, compliance with this chapter is expected.

C. **NDAC 33.1-15-14 - Designated Air Contaminant Sources, Permit to Construct, Minor Source Permit to Operate, Title V Permit to Operate**

This chapter requires the facility to obtain a Permit to Construct prior to installation of sources of air pollution. This chapter also applies to Permit to Operate requirements for facilities that have sources of air pollution.

Expected Compliance

The company has submitted an application for a Permit to Construct and has met these requirements.

D. **NDAC 33.1-15-15 - Prevention of Significant Deterioration of Air Quality (PSD)**

The facility does not have a petroleum storage capability that exceeds 300,000 barrels. Therefore, the facility is not classified as a major source under NDAC 33.1-15-15 and PSD review is not required.

E. **NDAC 33.1-15-16 - Restriction of Odorous Air Contaminants**

The permittee of this facility will not discharge into the ambient air any objectionable odorous contaminant which is in excess of the limits established in this chapter.

Expected Compliance

Based on Department experience with sources having similar types of emissions, the facility is expected to comply with this chapter.

F. **NDAC 33.1-15-17 - Restriction of Fugitive Emissions**

This chapter requires the control of fugitive emissions.

Expected Compliance

Based on Department experience with sources having similar types of emissions, the facility is expected to comply with this chapter.

G. **NDAC 33.1-15-22 - Emission Standards for Hazardous Air Pollutants for Source Categories**

1. **Subpart A - General Provisions**

This chapter adopts the 40 CFR Part 63 regulations, also known as the Maximum Achievable Control Technology (MACT) standards, which regulates HAPs from regulated source categories. Typically, these standards apply to major sources of air pollution that are a regulated source category. In addition to the major source requirements, some of the regulations have "area source" standards (for non-major sources). Some of the area source standards have not been adopted by the Department and compliance will be determined by the United States Environmental Protection Agency (USEPA) (e.g. 40 CFR Part 63, Subpart ZZZZ area source provisions have not been adopted by the Department).

Expected Compliance

Subpart A contains the MACT General Provisions. Compliance with the requirements of Subpart A is expected through compliance with each applicable MACT subpart.

2. **Subpart BBBBBB - National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities**

The facility appears to be an affected source to which this subpart applies and may be subject to the requirements under this subpart.

Expected Compliance

The Department has not adopted Subpart BBBBBB at area sources, such as this facility. EPA Region 8, not the North Dakota Department of Environmental Quality, is the implementing and enforcement authority. All required documentation must be submitted to EPA Region 8.

Summary and Recommendations:

It is recommended that ACP-018125 v1.0 be put out for 30-day public comment, prior to making a final determination on issuance for NuStar Pipeline Operating Partnership L.P. Jamestown North Terminal.

Analysis By:

Cristy Jones
Environmental Scientist
Division of Air Quality

CMJ:saj